IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 12264 of 1998

Between:

1 Mohd.Monuddin S/o.M.A. Razak,
R/o.H.No.G-18, B-Colony, Ramagundum,
Karimnagar District. Andhra Pradesh.
2 A. Shanker, S/o.Venkati,
R/o.H.No.F-19, B-Colony, Ramagundum,
Karimnagar District. Andhra Pradesh.
3 L. Vijender, S/o.Kistaiah,
R/o.H.No.F-19, B-Colony, Ramagundum,
Karimnagar District. Andhra Pradesh.
4 T. Rajaveeru, S/o.Ramaiah,
R/o.H.No.F-19, B-Colony, Ramagundum,
Karimnagar District. Andhra Pradesh.
5 Faizuddin, S/o.Zainuddin,
R/o.H.No.F-19, M. Raj Kumar, B-Colony, Ramagundum,
Karimnagar District. Andhra Pradesh.
6 Kareemkhan, S/o.Shamsheer Khan,
R/o.H.No.1-3-37, Vidyutnagar, Ramagundum,
Karimnagar District. Andhra Pradesh.
7 B. Venkataswamy, S/o.Ramaiah,
C/o. M. Rajkumar, R/o.H.No.F-19, B-Colony, Ramagundum,
Karimnagar District. Andhra Pradesh.
8 Md.Azamathali, S/o.Mahaboobali,
R/o.No.11, C-Colony, H-Type, Ramagundum,
Karimnagar District. Andhra Pradesh.
9 M.A. Sattar, S/o.M.A. Shukoor,
R/o.H.No.123, A-Colony, Ramagundum,
Karimnagar District. Andhra Pradesh.
10 T. Venkatanarasaiah, S/o.Venkataiah,
R/o.H.No.F-19, B-Colony, Ramagundum,
Karimnagar District. Andhra Pradesh.

..... PETITIONER(S)

AND

1 The A.P.S.E.B., rep.by its Secretary,
Vidyutsoudha, Khairathabad, Hyderabad, Andhra Pradesh.
2 The Chief Engineer/R&M RTS, Ramagundum, Karimnagar District,
Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of MANDAMUS, declaring the orders of the Second Respondent herein i.e., The Chief Engineer/R&M RTS., Ramagundum, Karimnagar District, A.P., in Lr.No.CE/R&M/RTS/ADM/F.CL/D.No.87/98, dated 23-4-1998 issued to the each of the Petitioners separately as unjust and illegal after calling for the records.

Counsel for the Petitioner: MR.NUTHALAPATI KRISHNA MURTHY

Counsel for the Respondents: MR.SAMINENI KISHORE

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings Lr.No.CE/R&M/RTS/ADM/F.CL/D.No.87/98, dated 23.4.1998 issued by the 2nd respondent as arbitrary and illegal.

It is the case of the petitioners that they are the Ex-Casual employees

of the A.P.S.E.B. The nature of duties attended to by the petitioners was manual work i.e. lifting the coal, removing the rejected coal, filling the coal bunker, shifting the material from one Godown to another in the Stores Section. The respondents prepared a list of casual workers as per the seniority based on number days worked and service put up by them and issued proceedings, dated 5.10.1988 in this regard. The petitioners, according to the seniority list prepared by the respondents are seniors among the casual labourers. When their services were sought to be regularized by way of conducting an interview, it was surprising for the petitioners to undergo a test called meter reading. The petitioners were never trained in the meter reading and for the purpose of meter reading, one needs some technical knowledge and the petitioners do not possess such expertise. Therefore, conducting such a test subjecting the petitioners to the examination relating to meter reading is arbitrary and illegal. They could not conduct any of the tests for which the petitioners were engaged as casual labourers earlier in the Board. Instead of adopting such a course of action, the respondents have adopted a new method of meter reading as one of the tests only with a view to eliminating the petitioners. Therefore, this writ petition has been field challenging the impugned proceedings.

The learned counsel for the petitioners strenuously contended that unless and until the petitioners are trained in meter reading, the question of subjecting them to an examination with which they were never concerned is arbitrary and illegal. Therefore, the impugned proceedings issued by the 2nd respondent rejecting the case of the petitioners on the ground that they have not passed the meter reading test are liable to be quashed.

The learned counsel for the respondents, though did not file any counter, strenuously contended that the department conducted some test, which is for the purpose of absorbing the petitioners and other similarly situated persons into the services of the Board. This test was invariably conducted for each and every employee who was seeking regularization into the services of the Board. It is not that this test was

conducted only in respect of the petitioners herein. Maybe, the petitioners are seniors in the casual employment with the Board as per the list prepared, but that does not itself give the petitioners any right of being appointed. Further, the employees cannot dictate terms to the Board with regard to the nature of test that should have been conducted by the Board for the purpose of selection on regular basis. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

I have given my earnest consideration to the respective submissions made by the learned counsel for both the parties and I have gone through the records made available.

I am of the considered opinion that it is not for the petitioners to say what type of test should have been conducted by the Board for considering their regular selection. Admittedly, the petitioners are casual labourers and the Board, while seeking to regular the services of the petitioners has rightly chosen a particular method. Maybe the services of the petitioners needed to be considered in the vacancies meant for Meter Readers.

Be that as it may, it is the case of the petitioners that they have not been trained in meter reading and they do not have technical expertise in this line. Therefore, suddenly asking the petitioners to examine the meter and record the readings is something alien to them. At the time of admission of the writ petition, this Court granted an interim direction not to fill up the vacancies. In view of the interim direction and also in view of the fact that the petitioners have no technical expertise as to the meter reading, the respondents are directed to conduct meter reading test or any other test intimating the same to the petitioners in advance as to the nature of test they are supposed to undergo and consider their cases on the basis of merit and also as per the terms and conditions of appointment, within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. No costs.

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(C.V. RAMULU, J.)

27th June, 2005

bcj

To

1 The Secretary, The A.P.S.E.B.,
Vidyutsoudha, Khairathabad, Hyderabad, Andhra Pradesh.
2 The Chief Engineer/R&M RTS, Ramagundum, Karimnagar District,
Andhra Pradesh.

3. Two C.D. copies.